

FILED
08 JUL 21 PM 4:52
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Charles Edward Lyons, II

Plaintiff,

vs.

D.K. Sisto, Warden

Defendant.

08 3205 CRB
CASE NO. _____

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS (for)

I, Charles E. Lyons, II, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ____ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: _____ Net: _____

Employer: _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 California Department of Forestry and Fire Protection
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

- 9 a. Business, Profession or Yes ____ No X
 10 self employment
 11 b. Income from stocks, bonds, Yes ____ No X
 12 or royalties?
 13 c. Rent payments? Yes ____ No X
 14 d. Pensions, annuities, or Yes ____ No X
 15 life insurance payments?
 16 e. Federal or State welfare payments, Yes ____ No X
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 _____
 22 _____

23 3. Are you married? Yes ____ No X

24 Spouse's Full Name: _____

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ _____ Net \$ _____

28 4. a. List amount you contribute to your spouse's support: \$ _____

1 b. List the persons other than your spouse who are dependent upon you for
 2 support and indicate how much you contribute toward their support. (NOTE:
 3 For minor children, list only their initials and ages. DO NOT INCLUDE
 4 THEIR NAMES.).
 5 _____
 6 _____

7 5. Do you own or are you buying a home? Yes ____ No X

8 Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

9 6. Do you own an automobile? Yes ____ No X

10 Make _____ Year _____ Model _____

11 Is it financed? Yes ____ No ____ If so, Total due: \$ _____

12 Monthly Payment: \$ _____

13 7. Do you have a bank account? Yes ____ No X (Do not include account numbers.)

14 Name(s) and address(es) of bank: _____
 15 _____

16 Present balance(s): \$ _____

17 Do you own any cash? Yes ____ No X Amount: \$ _____

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
 19 market value.) Yes ____ No X
 20 _____

21 8. What are your monthly expenses?

22 Rent: \$ 0.00 Utilities: 0.00

23 Food: \$ 0.00 Clothing: 0.00

24 Charge Accounts:

25	<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
26	_____	\$ _____	\$ _____
27	_____	\$ _____	\$ _____
28	_____	\$ _____	\$ _____

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)

3 N/A
4 _____

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.
9 _____
10 _____

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.
15

16 July 17, 2008

17 DATE

Charles E. Lynn

SIGNATURE OF APPLICANT

Case Number: _____

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Charles Edward Lyons, II for the last six months
[prisoner name]
California State Prison Solano where (s)he is confined.
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0.00 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.00.

Dated: 7/17/08

Charles E Lyons
[Authorized officer of the institution]

JUL 14 2008

REPORT ID: TS3030 .701

REPORT DATE: 07/16/08
PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIFORNIA STATE PRISON SOLANO
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU JUL. 16, 2008

ACCOUNT NUMBER : V76614
ACCOUNT NAME : LYONS, CHARLES EDWARD
PRIVILEGE GROUP: B
BED/CELL NUMBER: S212T20000000229L
ACCOUNT TYPE: I
TRUST ACCOUNT ACTIVITY

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
06/18/2008	H118	LEGAL COPIES HOLD	4730-L/CPY	3.70
06/18/2008	H118	LEGAL COPIES HOLD	4730-L/CPY	0.60
06/18/2008	H118	LEGAL COPIES HOLD	4730-L/CPY	0.30
06/20/2008	H118	LEGAL COPIES HOLD	4769-L/CPY	14.70
06/24/2008	H119	ARTIFICIAL APPLIANCE HOLD	4828INSERT	6.83
07/02/2008	H109	LEGAL POSTAGE HOLD	0036-LEGAL	4.80
07/02/2008	H118	LEGAL COPIES HOLD	0039-L/CPY	0.80

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	31.73	0.00



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST:
BONDERA PATTON
CALIFORNIA DEPARTMENT OF CORRECTIONS
31.73-

Charles E. Lyons, II, V-76614
C.S.P. Solano (12-229)
P.O. Box, 4000
Vacaville, Ca. 95696

Petitioner In Pro Se

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

Charles E. Lyons, II,

Petitioner,

-vs-

D.K. Sisto, Warden,
a person having custody
of petitioner,

Respondent.

Case No.

PETITIONER FOR
WRIT OF HABEAS CORPUS

CRB

CV 08

3205

FILED

JUL - 3 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

(PR)

TO: THE HONORABLE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA:

Pursuant to 28 U.S.C. § 2254, above-named petitioner, CHARLES EDWARD LYONS, II (hereinafter "Petitioner"), proceeding without the appointment of trained counsel, respectfully petitions this court for a petition for writ of habeas corpus, and by this verified petition, sets forth the following facts and causes for the issuance of said writ.

I

Petitioner is unlawfully confined by the Warden at Solano State Prison in Vacaville, California, D.K. Sisto. Petitioner is serving a term of imprisonment of 15 years, which was unlawfully imposed by the Superior Court for the County of Santa Clara, in case number CC440907.

Case 3:08-cv-03205-CRB
Page 6 of 8
U.S. P. SOLICITOR (12-229)
PO BOX 4000
MACAVILLE, CA 95626

2

BUSINESS REPLY MAIL

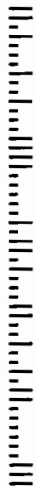
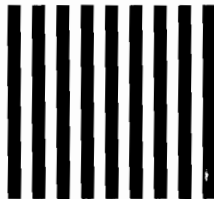
FIRST-CLASS MAIL PERMIT NO. 12615 WASHINGTON DC

POSTAGE WILL BE PAID BY UNITED STATES COURTS

US DISTRICT COURT
450 GOLDEN GATE AVE
PO BOX 36060
SAN FRANCISCO CA 94102-9680



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



07-17-08
Mr. Brown CCFM